BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE

Dated 23rd November 1970.

Present :

Sri R. V. Kollali, B.A., LL.B., Presiding Officer.

Complaint No. 8 of 1968.

in I. D. No. 75/67.

Complainants		*Opposite Party*
Sri Govinda and two others, C/o. Sri S. Suryanarayana Rao, General Secretary, Bangalore District Textile Workers' Union, No. 50-A, Arcot Srinivasa Char Street, Bangalore-2	*Vs.*	The Managment of T. R. Mills (P) Ltd., Chamarajpet, Bangalore-18.

Appearances

For the Complainants:—Sri S. Suryanaryana Rao, General Secretary, Bangalore District Textile Workers Union, Bangalore-2.

For the Opposite Party:—Sri B. Krishnappa, Labour Adviser T. R. Mills (P) Ltd., Bangalore-18.

AWARD

The three Complainants alleged that as they and others had joined the Bangalore District Textile Workers' Union the Management adopted unfair labour practice and began to victimise the employees and to protest against this action of the Management, the employees went on strike from 12th December 1967 ; the Government of Mysore referred the dispute for adjudication and prohibited the continuance of strike from 27th December 1967 and thereafter on 29th December 1967 the complainants reported for duty and that they were not taken back to duty and thus terminated from service for their trade union activities during the pendency of an industrial dispute and without the approval of the Tribunal.

2. The Opposite Party contended by its objection that the complaint does not contain true allegations; that the joint complaint is not tenable; that the complainants are not concerned workmen in I D. No. 75 of 1967; that first Complainant Govinda was absent without leave or permission from 20th October 1967 till 9th November 1967 and abandoned his service of his own accord; as against 3rd Complainant, an enquiry into certain acts of misconduct has been held and the final decision was awaited and that the second Complainant was never an employee of the Opposite Party.

3. The following issues were settled:

"I. Is this consolidated complaint of the workmen maintainable under Section 33A of the I. D. Act?

II. Are the complainants concerned workmen in I. D. No. 75 of 1967 as defined under Section 33 of the I.D. Act?

III. Has the complainant No. 1 *viz.*, Sri Govinda stayed away from work from 20th October 1967?

IV Was the 2nd complainant, K. Chennayya an employee under the Opposite Party?

V. Has Ramiah been charge-sheeted on 27th December 1967 for misconduct and is he facing an enquiry?

VI. To what relief are the complainants entitled?"

4. My findings are:—

(1) Yes.
(2) No.
(3) Yes
(4) No.
(5) Unnecessary.
(6) None.

Reasons:—Exhibits M1 and M2 are affidavits of the first and the third Complaints. They have both sworn before the Notary that each have no subsisting dispute with the Management and require no relief from this Tribunal, as their claims had been settled satisfactorily by the Management and they had left their services voluntarily. So far as the second Complainant is concerned, a notice sent to him C/o the Bangalore District Textile Workers Udion, on behalf of which union, the complainant had been filed

by its office bearer had been returned unserved with the postal endorsement "left without instructions". The Manager of the Opposite Party has affirmed in his statement that there was no employee of the Opposite Party by name K. Chennayya s/o Cariappa in 1967 and in 1968 upto 23rd February 1968 which is the date of the complaint. He also stated that Token No. 23 RFS is not a person by name K. Channayya S/o Cariappa. The second Complainant's a name as set out in complaint is K. Chennayya S/o Kariappa, Token No 23 RFS; that person's name obviously is not to be found in the Attendance Register of the Opposite Party.

5. The Manager has also affirmed the first and the third Complainants have sworn affidavits Exhibits M1 and M2 indicating that they had voluntarily abandoned the services. He has also affirmed that the I D No 75/67 is related to the alleged termination of 9 workmen specifically and the present workmen have no concern with that dispute. He has also stated that the dispute had been disposed of by an award rejecting the 9 workmen's claim.

6. In view of the above circumstances, I have to hold that the second complainant can have no sort of claim against the Opposite Party, as he is not an employee at all. The first and the third complainants are shown to have sworn to having abandoned their jobs voluntarily. In view of this position, I find Issue No II in the negative, Issue No. III in the affirmative and Issue No. IV in the negative.

7. In as much as third Complainant has in his affidavit affirmed that he has voluntarily left the service, it is unnecessary to record any finding under Issue No. V.

8. There is no specific bar against the filing of a consolidated complaint, I therefore answer Issue No. I in the affirmative. It follows that the complainants are not entitled to any relief and hence my finding under Issue No VI. I pass the following award:

AWARD

The Complaint is dismissed. No order as to costs.

R. V. KOLLALI,
Presiding Officer,
Industrial Tribunal,
Bangalore.